

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WILBERT FUENTES,)	
)	
Plaintiff,)	
)	Civil Action No. 11-17
v.)	Chief Judge Lancaster
)	Magistrate Judge Eddy
SCI-GREENSBURG,)	
)	
Defendant.)	

MEMORANDUM ORDER

Wilbert Fuentes (“Plaintiff”) is an inmate currently incarcerated at the State Correctional Institution at Greensburg, Pennsylvania (“SCI-Greensburg”). Plaintiff brings the instant lawsuit pursuant to the Civil Rights Act of 1871, 42 U.S.C § 1981, *et seq.*, implying allegations of violations of his rights under the Constitution of the United States. (Doc. 3-1 at 4). This suit commenced with the receipt of the complaint, along with motion to proceed *in forma pauperis* (“IFP”), on January 6, 2011. (Doc. 1). Plaintiff was granted leave to proceed IFP on the following day. (Doc. 2). In the order granting IFP status, Plaintiff also was ordered to provide an authorization for the withdrawal of funds from his inmate trust account, or to move to withdraw the instant civil action, on or before January 28, 2011. *Id.* at 1. A copy of the authorization form was included with this order. *Id.* at 4. As of the date of this writing, Plaintiff has not complied with this order, nor has he sought an extension of time in which to do so, nor has he provided the above-mentioned service documents.

This matter was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrate Judges. On October 19, 2011, the magistrate judge issued a report and recommendation recommending that this case be dismissed for Plaintiff’s failure to comply

with the orders of this Court, as well as his failure to prosecute. (Doc. 5). A copy of the report was mailed to Plaintiff at his address of record, and Plaintiff was given until November 2, 2011, to file objections. As of the date of this writing, no objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the report and recommendation (Doc. 5), the following ORDER is entered:

AND NOW, this 10th day of Jan, 2011,

IT IS HEREBY ORDERED that this case is DISMISSED, without prejudice.

IT IS FURTHER ORDERED that the magistrate judge's report and recommendation (Doc. 5) is adopted as the opinion of this Court.

BY THE COURT:



GARY L. LANCASTER
CHIEF UNITED STATES DISTRICT JUDGE

cc:

WILBERT FUENTES

HR-0097

SCI Greensburg

165 SCI Lane

Greensburg, PA 15601-9103